

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:02-CR-241-BO

ORDER

Defendant Christopher Grant previously expressed the intent to challenge the criminal history calculation based on his pre-sentence report (DE # 23). This Court gave the Defendant notice that such a challenge must be made pursuant to 28 U.S.C. § 2255. The Defendant has not filed a Motion pursuant to § 2255 and his previous Motion is thus DISMISSED.

The Defendant now requests merely the information contained in his pre-sentence report (DE # 25). Rule 32 of the Federal Rules of Criminal Procedure provides that the probation officer must give the pre-sentence report to the Defendant and Defendant's counsel before sentencing. The Defendant and his attorney had the opportunity to review and challenge the report at that time. The Defendant is not entitled to the report at this time. *Ward v. United States*, 609 F.Supp. 169, 170 (N.D. Ohio 1985). Therefore, the Defendant's motion is DENIED.

SO ORDERED, this 6 day of August, 2010.

Terence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE